

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Andrea Zimmerman,

Case No. _____

Plaintiff,

SUMMONS

v.

Standard Insurance Company,

Defendant.

TO: THE ABOVE-NAMED DEFENDANT.

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no Court file number on this Summons.

2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at Nolan, Thompson, Leighton & Tataryn, PLC, 5001 American Boulevard West, 595 Southgate Office Plaza, Bloomington, MN 55437.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

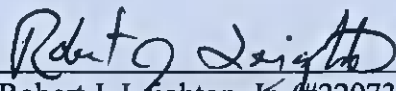
4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A Default Judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Dated: May 19, 2020

**NOLAN, THOMPSON, LEIGHTON
& TATARYN, PLC**

By: 
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STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Andrea Zimmerman,

Case No. _____

Plaintiff,

COMPLAINT

v.

Standard Insurance Company,

Defendant.

COMES NOW the Plaintiff, Andrea Zimmerman, and for her cause of action against the Defendant, states and alleges as follows:

PARTIES

1. Plaintiff Andrea Zimmerman was insured for disability insurance with the Defendant Standard Insurance Company.

2. Defendant Standard Insurance Company ("The Standard") is a disability insurance carrier licensed to do business in the State of Minnesota and insures the Plaintiff under a disability policy.

FACTS

3. At all times material herein the Plaintiff was self-employed in both Business Consulting and Event Planning. Ms. Zimmerman is the owner of Strategic Consulting Partners, Inc.

4. Plaintiff has been paying premiums since 2008 under an individual Disability Income Insurance Policy with The Standard.

5. Defendant The Standard is a fiduciary under the Plan.

6. That as a result of various physical disabilities the Plaintiff qualified for disability benefits under The Standard's policy and continues to be disabled, and as such Plaintiff is also entitled to a waiver of premium payments under the policy.

7. Plaintiff was completely disabled and out of work from December 20, 2018 to January 21, 2019. Since that time she has only been able to return to work on a limited part-time basis, working inconsistent hours, and has a claim for residual disability benefits running from January 22, 2019 to the present date and continuing. Plaintiff filed a Notice of Claim with The Standard on December 27, 2018 and has provided The Standard with all of the medical information and other documentation required under the policy. Plaintiff received a denial dated June 14, 2019 and filed an Administrative Appeal on December 16, 2019. Plaintiff received a final denial letter on April 15, 2020.

8. That as a direct and proximate result of the Defendant's actions, Plaintiff has sustained damages based on benefits due under the Plan.

9. That said breach is continuing because although duly demanded, Defendant has failed and refused to reinstate said benefits.

10. That as a direct and proximate result of Defendant's actions, Plaintiff has been forced to incur costs and attorneys' fees and is entitled to be reimbursed by the Defendant for said fees and costs.

WHEREFORE, Plaintiff requests judgment against the Defendant granting her the following relief:

1. Ordering Defendant to pay Plaintiff all benefits due under the individual Disability Income Insurance Policy to the present and continuing.

2. Ordering Defendant to waive premium payments by Plaintiff.

3. Awarding Plaintiff prejudgment interest on the amount of benefits due.
4. Awarding Plaintiff costs and attorneys' fees incurred in bringing this proceeding.
5. Granting Plaintiff such other and further relief as the Court may deem just and equitable.

Dated: May 19, 2020

**NOLAN, THOMPSON, LEIGHTON
& TATARYN, PLC**

By: s/Robert J. Leighton

Robert J. Leighton, Jr. (#220735)

Denise Y. Tataryn (#179127)

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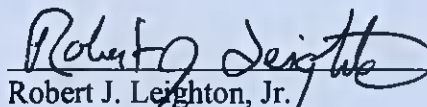
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Email: rleighton@nmtlaw.com

Email: dtataryn@nmtlaw.com

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded to the opposing party or parties pursuant to Minn. Stat. § 549.211 if this pleading is filed in bad faith.


Robert J. Leighton, Jr.